

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Nanci E. Langley, Vice Chairman;  
Mark Acton; and  
Robert G. Taub

Porterville Post Office  
Porterville, Mississippi

Docket No. A2012-69

ORDER DISMISSING APPEAL

(Issued January 10, 2012)

On November 15, 2011, Johnie Stuart filed a petition with the Commission seeking review of the Postal Service's Final Determination to close the Porterville, Mississippi post office (Porterville post office).<sup>1</sup> On December 1, 2011, the Commission established Docket No. A2012-69 to consider the appeal, designated a Public Representative, and directed the Postal Service to file its Administrative Record and any responsive pleadings.<sup>2</sup>

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<sup>1</sup> Petition for Review Received from Johnie B. Stuart Regarding the Porterville, MS Post Office 39352, November 15, 2011.

<sup>2</sup> Order No. 1013, Notice and Order Accepting Appeal and Establishing Procedural Schedule, December 1, 2011.

On January 9, 2012, the Postal Service filed a notice stating its intent to withdraw the Final Determination to close the Porterville post office.<sup>3</sup> The Postal Service requests that this proceeding be dismissed. *Id.*

On January 10, 2012, the Public Representative filed a response asserting that the Postal Service should explain why the Final Determination was withdrawn to ensure transparency of the closure and consolidation process.<sup>4</sup> However, he states that he does not oppose the Postal Service withdrawing its Final Determination or the Commission dismissing this case without prejudice. *Id.* at 1-2.

In light of the Postal Service's decision to withdraw the Final Determination to close the Porterville post office, the appeal is dismissed without prejudice. Docket No. A2012-69 is closed.

*It is ordered:*

1. The Petition for Review of the decision to close the Porterville, Mississippi post office is dismissed without prejudice.
2. Docket No. A2012-69 is closed.

By the Commission.

Shoshana M. Grove  
Secretary

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<sup>3</sup> United States Postal Service Notice Withdrawing Final Determination, January 9, 2012.

<sup>4</sup> Public Representative Statement in Response to United States Postal Service Notice Withdrawing Final Determination, January 10, 2012, at 1.

## CONCURRING OPINION OF CHAIRMAN GOLDWAY

The transparency and accountability built into the Postal Accountability and Enhancement Act obligates the Postal Service to provide information on the reasons for the reversal of its Final Determination to close or consolidate a post office.

I agree with the Public Representative's comment that "it is in the public's best interest for the Postal Service to provide information as to why the Final Determination is being withdrawn. This will help ensure that the closure and consolidation process remains open and transparent as envisioned by 39 U.S.C. 404(d)." Public Representative Statement at 1.